

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:12-CV-85-FL

PAUL BURKE,

Plaintiff,

v.

SUPERIOR COURT OF KEENE, NEW
HAMPSHIRE,

Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge James E. Gates, addressing plaintiff’s motion to proceed *in forma pauperis*, and upon frivolity review pursuant to 28 U.S.C. § 1915(e)(2)(B), recommending that this matter be dismissed for lack of subject matter jurisdiction. Also before the court is plaintiff’s motion for temporary restraining order (DE #3), seeking to stop proceedings in the Superior Court of Keene, New Hampshire. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, upon frivolity review pursuant to 28 U.S.C. § 1915(e)(2)(B), this matter is DISMISSED for lack of subject matter jurisdiction. For the same reasons, because the court lacks jurisdiction over the subject matter of this action, the court DENIES plaintiff’s motion for temporary restraining order (DE #3). The clerk of court is directed to close the case.

SO ORDERED, this the 28th day of January, 2013.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Judge